



IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

2681

TRADEMARK PATENT APPLICATION

Wilhelmus Diepstraten-  
Adriaan Kamerman  
Hendrik Moelard

CASE 21-10-8

Serial No. 09/760,583

Group Art Unit

RECEIVED

APR 16 2002

Technology Center 2600

Filed January 16, 2001

Examiner

Title Method And Device For Robust Fallback In Data Communication System

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application. An Agreement Regarding Powers of Attorney and General Appointment of Agent and Power of Attorney is submitted herewith.

Firm Name: Agere Systems Inc.  
Address: P.O. Box 614  
Berkeley Heights, NJ 07922-0614 USA

I represent the assignee of record of the entire interest who is entitled to prosecute this application to the exclusion of the named inventors on the previous assignee pursuant to 37 CFR 3.71. A statement under 37 CFR 3.73(b) is enclosed.

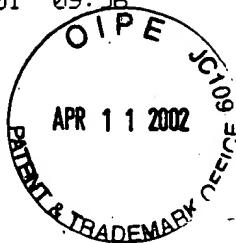
Respectfully,

A handwritten signature in black ink, appearing to read 'Mark A. Kurisko'.

Mark A. Kurisko, Attorney  
Reg. No. 38,944  
Phone: 610-712-3754

Date: April 3, 2002

Agere Systems Inc.  
P.O. Box 614  
Berkeley Heights, New Jersey 07922-0614



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**AGREEMENT REGARDING  
POWERS OF ATTORNEY**

**RECEIVED**

**APR 16 2002**

**Technology Center 2600**

**by and between**

**LUCENT TECHNOLOGIES INC.**

**and**

**AGERE SYSTEMS INC.**

**Dated as of February 1, 2001**

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## AGREEMENT REGARDING POWERS OF ATTORNEY

This Agreement is effective as of February 1, 2001 between LUCENT TECHNOLOGIES INC., a Delaware corporation ("LUCENT"), having an office at 600 Mountain Avenue, Murray Hill, New Jersey 07974, United States of America, for itself and on behalf of its Subsidiaries (each and all herein after "LUCENT") and AGERE SYSTEMS INC., a Delaware corporation, with offices at 555 Union Boulevard, Allentown, PA 18109, United States of America ("AGERE").

**WHEREAS**, the Board of Directors of LUCENT has determined that it is in the best interests of LUCENT and its stockholders to separate LUCENT's existing businesses into two independent businesses; and

**WHEREAS**, as part of the foregoing, LUCENT has assigned certain United States and corresponding foreign patents and patent applications to AGERE, which patents and applications were filed in the name of LUCENT and various of its subsidiaries and predecessors, including AT&T Corp., a New York corporation and various of its subsidiaries; and

**WHEREAS**, in order to effect its rights under such patents and to prosecute such patent applications, including recording such assignments, AGERE representatives need Power of Attorney from LUCENT and predecessors of LUCENT.

**THEREFORE**, LUCENT agrees to provide AGERE employees and employees of AGERE affiliated companies with Powers of Attorney in the form attached to act for LUCENT, any of its wholly-owned subsidiaries, and any of such predecessors with respect to such issued patents and pending patent applications in the names of LUCENT, such subsidiaries or any of such predecessors.

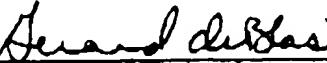
AGERE agrees to use such Powers of Attorney only with respect to those certain patents and patent applications which were assigned to AGERE by LUCENT.

**LUCENT TECHNOLOGIES INC.**

By:   
Daniel P. McCurdy  
President - Intellectual Property Business

Date: 1/30/01

**AGERE SYSTEMS INC.**

By:   
Gerard A. deBlasi  
Vice President - Law

Date: 1/30/01

**GENERAL APPOINTMENT OF AGENT****And****POWER OF ATTORNEY**

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Lucent Technologies Inc., for itself and its subsidiaries, and as successor in interest to  
patents of AT&T Corp. and its subsidiaries, hereby appoints:

Gerard A. deBlasi  
Fred M. Romano  
Scott W. McLellan  
Richard J. Botos  
Marie MacNichol  
Geraldine Monteleone  
Scott Rittman  
Anthony Grillo  
David Smith  
Robert P. Marley  
John Veschi  
Mark Kurisko  
Les Birnbaum

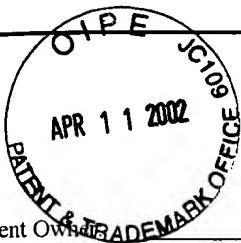
as agents and attorneys to act on its and on Lucent Technologies Inc.'s behalf before any  
competent National and International Authorities in connection with any and all patents  
and patent applications filed by Lucent Technologies Inc., its wholly-owned subsidiaries  
or its predecessors, or issued or pending in the name of Lucent Technologies Inc., or any  
of its wholly-owned subsidiaries or predecessors, with the power to further appoint  
agents, and grant powers of attorney in connection therewith.

Lucent Technologies Inc.

By: 

Daniel P. McCurdy  
President - Intellectual Property Business

Date: 1/30/01



**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner TRADEMAK Agere Systems Guardian Corp.

Application No./Patent No.: 09/760,583 Filed/Issued Date: January 16, 2001

## Method And Device For RobustFallback In Data Communication Systems

Agere Systems Guardian Corp., a Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

States that it is :

1.  the assignee of the entire right, title, and interest; or

2.  an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is %

In the patent application/patent identified above by virtue of either:

A. [ ] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel\_\_\_\_, Frame\_\_\_\_, or for which a copy thereof is attached.

OR

B. [X] A Chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

[ ] Copies of assignments or other documents in the chain of title are attached.

[Note: A separate copy (i.e., the original assignment document or a true copy of the original document)]

must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

April 3, 2002  
Date

Mark A. Kurisko

Typed or printed name

Typed or printed name

**Signature**

**Corporate Counsel**  
**Title**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent And Trademark Office, Washington, D. C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D. C. 20231.

APPENDIX B (continued)  
Transferred Patents (patent disclosures)

Case Name	IDS No.	Country	Serial No.	Filing Date
Addinall 3-2	119594	EPC	99309843	12/7/1999
Ammer 1-1	121017	EPC	303383.4	4/20/2000
Awater 11-13-10	122141	EPC	304239.7	5/19/2000
Awater 5-13	120083	EPC	303793.4	5/5/2000
Awater 6-14	120084	EPC	303784.3	5/5/2000
Awater 7-3-15	120110	EPC	310290.2	11/20/2000
Awater 8-35	121577	EPC	300397.7	1/20/2000
Baltersee 1-1-1	121008	EPC	300268	1/14/2000
Baltersee 2-2-2	121514	EPC	300254	1/14/2000
Baltersee 3-3-3	122055	EPC	104637.4	3/3/2000
Bar-David 9-10-18	114558	EPC	99303282	4/27/1999
Boer 4-5-1-6-5	120934	EPC	308184.1	9/20/2000
Brook 1-2-2	122536	EPC	304276.9	5/19/2000
Buckley 1	119438	EPC	9916972.4	7/20/1999
Buckley 1-1-1-2-1	117033	PCT	PCT/EP99/09027	11/11/1999
Buckley 2	119440	EPC	NULL	NULL
Buckley 3-1-2	122144	EPC	303977.3	5/11/2000
Busch 1-1	123325	EPC		NULL
Busch 2-2	123326	EPC		NULL
Busking 2	7	GR BRIT	9019486.1	9/6/1990
Canning 1-1-1-1	121133	EPC		NULL
Chambers 1	122265	EPC		NULL
Chapman 1	119419	EPC	NULL	NULL
Chapman 2	119435	EPC	9918792.4	8/10/1999
Chapman 4	119439	EPC	NULL	NULL
Chapman 5-4-5	121579	GR BRIT	5486.6	3/7/2000
Chapman 6-1-5	121887	GR BRIT	15105	6/20/2000
Chastanet 1	117218	FRANCE	8713646	10/2/1987
Chastanet 2-1-3	117248	FRANCE	9108065	6/28/1991
Cook 4-1	120446	EPC	99307660	9/28/1999
Cook 5-2	120447	EPC	99307661	9/28/1999
Cronin 1-1-1-1-1	121612	EPC		NULL
Davies 1-1-1-3-1	116205	EPC	98307490	9/15/1998
De Boer 1	118234	EPC	99302185	3/22/1999
De Boer 2-1	120534	EPC	NULL	NULL
→ Diepstraten 21-10-8	120711	EPC	300343.1	1/19/2000
Diepstraten 22-12-2-2	122133	EPC	306496.1	7/31/2000
Dietsche 1	120004	EPC	302954.3	4/7/2000
Dietsche 2	120005	EPC	309321.8	10/23/2000
Dittrich 1-1-19	120731	EPC	106914.5	3/31/2000
Dittrich 2-2-20	122004	EPC		NULL
Druke 1-1	7	GERMANY	P4318339.5	6/2/1993
Duan 2-4-2	121023	CHINA		NULL
Dubel 1	112669	GERMANY	P4013477.6	4/27/1990
Dubel 3	112669	GERMANY	P3538184.1	10/26/1985
Eikelenboom 1-11-9-10	120712	EPC	302533.5	3/28/2000